REMARKS

Reconsideration is respectfully requested.

Claims 1 through 40 remain in this application. Claims 41 through 47 have been cancelled. No claims have been withdrawn. Claim 48 has been added.

Rejection of claims 1 – 7, 10 – 17, 20 – 27, 30 – 37 and 40 under 35 U.S.C. 102

Claims 1 – 7, 10 – 17, 20 – 27, 30 – 37 and 40 have been rejected under 35 U.S.C. 102(e) as being anticipated by Hocker et al. ("Hocker") (U.S. Patent No. 5,943,678). This rejection is respectfully traversed, although independent claims 1, 11, 21 and 31 have been amended to more clearly define over the reference by making explicit that which was already implicit in the claims, and was explicitly argued in the previous response. Since the basic issues have already been considered, it is respectfully submitted that the amendments raise no new issues that require further search or consideration by the Examiner.

Claims 1, 11, 21, and 31 are independent claims and have been rejected under a common rationale. Thus, the rejection of claims 1, 11, 21 and 31 will be commonly addressed, using claim 1 as representative of the group.

As explained in the Background of the Invention section of the present Application:

> Today, users of information handling systems have access to a wide range of resources. For example, faster processors and expanded memory enable a user to operate more than one program at a time, as well as connect an increasingly greater variety of devices to the information handling system, such as printers, modems, touch pads, write pads, voice recognition devices, satellite information network access, etc. The variety and sheer number of available devices and resources connected to even one system may make tracking the performance and utilization of

Appln. No. 10/747,854
Amendment dated March 4, 2008

> these resources near impossible, especially if the system is
> connected to a network. ... Additionally, a user may not have a
> clear idea of the past usage of the system. ... In some instances
> even when the past usage of a resource is stored, the user may not
> determine the association of the resources.

Claim 1, as amended, recites a method of generating a persistent usage
context that addresses these issues, including:

> monitoring usage of resources of the information handling
> system;
> generating a first representation corresponding to a first item of
> usage;
> generating a second representation corresponding to a second
> item of usage;
> communicating an association of the first representation to the
> second representation so as to enable a determination of at least
> one of prior usage and current usage of resources of the
> information handling system.

Hocker states that "it is an object of the present invention to provide
an improved system and method for retrieving prior versions of an
application, database, or other function. A target GUI becomes a front-end
for version storing software, such as HPOFS." Col. 1, lines 54 – 58.
("HPFOS" is an acronym for IBM High Performance Optical File System,
col. 1, lines 37 – 38.)

It is respectfully submitted that "a system and method for retrieving
prior <u>versions</u> of an application, database, or other function" using a target
GUI as a "front-end for version storing software, such as HPOFS," as
disclosed by Hocker, cannot be equated to monitoring <u>usage of resources</u> of
an information handling system, as recited in claim 1 because "monitoring
versions of data" is not the same as monitoring the usage of the resources of
an information handling system.

It is alleged in the Office Action that Hocker teaches "monitoring
usage (see column 3, lines 34 – 44; *"The VTT settings may be also be
automatically determined by VTT software based on a user's past usage"*, in
order for a user' past usage to be used, the user's past usage must inherently

Page 11 of 15

Appln. No. 10/747,854
Amendment dated March 4, 2008

be monitored) of an information handling system (see column 2, lines 25 –
40; *"The present invention is capable of running on any general purpose
computer system or computer controlled GUI"*, a general purpose computer
system is equivalent to an information handling system); ...."

Further, it is stated in the "Response to Arguments" section of the
Office Action that:

> The primary function of Hocker's invention is monitoring usage
> of the system. Applicant is directed to Hocker column 3, lines
> 34 – 44, where Hocker explicitly states that usage is monitored
> by the system (*"The VTT settings may be also be automatically
> determined by VTT software based on a user's past usage"*).
> Also, because the system taught by Hocker is write-once, all
> system activity is stored permanently, which is equivalent to
> monitoring usage of an information handling system.

The "VTT settings" in col. 3, lines 34 – 44 relate to a "time (including
date) entered by [a] user to retrieve a version of data filed at the specified
time." The cited passage describes the VTT software reviewing the filing
time of previous versions and displaying the version with the filing time
closest to the selected time. The "automatic determination based on a user's
past usage" is "so that more likely settings are the default when a user drags
a particular icon on top of the VTT icon."

The cited passage discloses, at best, monitoring user entry of a
historical time for which it is desired to retrieve a version of data, so that a
default time can be determined. It is respectfully submitted that monitoring
for user entry of a filing time of a previous version of data does not make
the primary function of the invention "monitoring usage of the system," as
alleged. The primary function, to the extent that there is a "primary
function," of the system disclosed by Hocker is retrieving prior <u>versions of
data</u>. It is further respectfully submitted that retrieving prior <u>versions of
data</u> is unrelated to "monitoring <u>usage of resources</u> of an information
handling system," as recited in claim 1.

Appln. No. 10/747,854
Amendment dated March 4, 2008

Further emphasizing this distinction, new dependent claim 48, which depends from claim 1, recites "wherein the resources of which the usage is monitored comprises devices coupled internally of the information handling system, devices coupled to the information handling system peripherally of the information handling system, devices coupled to the information handling system over a network, and other information handling systems coupled to the information handling system". Claims 11, 21 and 31 include similar requirements.

Further, with respect to the Examiner's statement that "because the system taught by Hocker is write-once, all system activity is stored permanently, which is equivalent to monitoring usage of an information handling system," it is respectfully submitted that Hocker does not disclose "permanently storing all system activity." At best, Hocker discloses storing versions of an application, database, or other function for later retrieval. It is respectfully submitted that "storing versions of data" is not the same as storing "all system activity," and, therefore, Hocker does not disclose "monitoring usage of an information handling system," as suggested. Furthermore, it is respectfully submitted that storing versions of data permanently on "write-once" media is completely irrelevant to method as recited in claim 1.

Still further, it is alleged in the Office Action that Hocker teaches "generating a first representation (see column 5 lines 1 – 8; ...) corresponding to a first item of usage (see column 1 lines 32 – 49; ...)"; and "generating a second representation corresponding to a second item of usage (see column 5 lines 1 – 8 and column 1 lines 32 – 49; ...)."

It is respectfully submitted that the "representations corresponding to items of usage" in the referenced passages are merely representations of stored versions of files, applications, databases, functions, etc. It is further respectfully submitted that representations of "versions" of data are not representations of the "usage" of the resources of a system, as recited in

Page 13 of 15

amended claim 1. As explained in the application, by utilizing representations depicting current and prior items of usage, such as the operation of an application or a peripheral device, a user may determine which programs are currently operating, which tasks are being performed, and the utilization by the program of devices connected to the system. This may also enable a user to determine the source of problems which occur on the system by viewing a usage history.

Lastly, it is suggested in the Office Action that Hocker teaches "communicating an association of the first representation to the second representation so as to enable a determination of at least one of prior usage and current usage of an information handling system (see column 5, lines 9 – 32)." Column 5, lines 9 – 32 of the Hocker reference disclose, *inter alia*, a "viewscreen that represents a tunnel in perspective in which time is represented along the length of the tunnel. Snapshots of data to be represented are visible in panels along the walls of the tunnel ..."

Since Hocker does not contain a teaching or suggestion of a first representation corresponding to a first item of usage or a second representation corresponding to a second item of usage, it is respectfully submitted that Hocker also does not contain a teaching or suggestion of communication an association of such a first representation to such a second representation to enable a determination of at least one of a prior usage and a current usage of the system, as recited in claim 1. Further, it is respectfully submitted that "snapshots of data" which are visible in panels along the walls of a tunnel represented on a viewscreen can not be equated to representations of items of usage of an information handling system.

Thus, it is respectfully submitted that Hocker does not teach or suggest the steps recited in claim 1, and the invention as recited in claims 11, 21 and 31 by common rationale. Further, claims 2 – 7, 10, 12 – 17, 20, 22 – 27, 30, 32 – 37 and 40 depend from claims 1, 11, 21 and 31, and are allowable for at least the reasons provided in support of claim 1.

Appln. No. 10/747,854
Amendment dated March 4, 2008

Rejection of claims 8, 9, 18, 19, 28, 29, 38 and 39 under 35 U.S.C. 103

Claims 8, 9, 18, 19, 28, 29, 38 and 39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hocker in view of Schwartz et al. ("Schwartz") (U.S. Patent No. 5,047,918). This rejection is respectfully traversed.

It is respectfully submitted that Schwartz does not overcome the deficiencies of Hocker described above. Therefore, for at least this reason, the proposed combination of Hocker and Schwartz does not teach or suggest the invention as recited in claims 8, 9, 18, 19, 28, 29, 38 and 39.

Rejection of claims 41 – 47 under 35 U.S.C. 103

Claims 41 – 47 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bauersfeld et al. ("Bauersfeld") (U.S. Patent No. 6,195,679) and DeStefano (U.S. Patent No. 6,075,531). This rejection is respectfully traversed, however, in an effort to advance the prosecution of the application, claims 41 – 47 have been canceled. The Applicant reserves the right to pursue the subject matter of canceled claims 41 – 47 at a later time.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

GATEWAY, INC.

By _____   Date: _March 4, 2008_
Jeffrey A. Proehl (Reg. No. 35,987)
610 Gateway Dr., Y-04
N. Sioux City, SD 57049
Telephone (605) 232-1967
Fax (605) 232-2612